

BOARD OF WATER ENGINEERS—RULES AND REGULATIONS

CHAPTER 356

H. B. No. 451

An Act amending Article 7531 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, providing that the Board of Water Engineers shall adopt rules and regulations and modes of procedure for the performance of duties, powers, and functions prescribed and vested in it by this Chapter and for the enforcement of its provisions; providing that the Board shall have a seal; providing that all such rules and regulations that are reasonable and not in conflict herewith shall be binding upon all persons affected; providing for the printing of said rules and regulations and the furnishing thereof to interested persons; providing for the publication of amendments to any existing rule and new rules before they shall become effective; giving the Board authority to enforce by injunction, mandatory injunction or other appropriate remedy, any and all reasonable rules and regulations promulgated which are not in conflict with this Chapter, and the enforcement of terms and conditions contained in declarations of appropriation and in permits to appropriate water heretofore granted and which may hereafter be granted by it, under authority of law; repealing Article 7488 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925; providing a saving clause; providing the Act shall not affect any vested rights of owners of certain lands; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7531 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925,⁸⁴ be and the same is hereby amended so as to hereafter read as follows:

"Article 7531

"(1) The Board of Water Engineers shall adopt rules and regulations, including modes of procedure, for the performance of the duties, powers, and functions prescribed and vested in it by this Chapter, and for the enforcement of its provisions, and shall have a seal, the form of which it shall prescribe. All such rules and regulations made for the administration and enforcement of the provisions of this Chapter, and that are reasonable and not in conflict herewith, shall be binding upon all persons affected by such provisions. The rules and regulations shall be printed, and copies shall be furnished to all interested persons upon application therefor, provided, that the Board, may at its discretion, make a reasonable charge therefor. After the rules and regulations shall have been adopted and printed, no amendment of an existing rule or no new rule shall be made effective until at least thirty (30) days after copy of same shall have been published one time in a newspaper of general circulation in each of the three Water Divisions described in Article 7475 of the Revised Civil Statutes of Texas, 1925."

"Full authority is hereby given the Board to enforce by injunction, mandatory injunction or other appropriate remedy, in the courts of competent jurisdiction, any and all reasonable rules and regulations promulgated by it, which are not in conflict with this Chapter, and all of the terms and conditions, which are not in conflict with this Chapter, contained in declarations of appropriations (certified filings) and in permits to appropriate water heretofore granted and which may hereafter be granted by it, under authority of law."

Sec. 2.⁸⁵ No provision of this Act shall ever be construed to abridge or affect any vested rights of owners of any lands riparian to the waters

84. Vernon's Ann.Civ.St. art. 7531.

85. Vernon's Ann.Civ.St. art. 7531a.

of the streams of this State, or streams forming a boundary of this State.

Sec. 3. That Article 7488 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925,⁸⁶ be and the same is hereby expressly repealed.

Sec. 4. If any provision of this Act, or the application thereof to any person or circumstance, is held by the courts to be unconstitutional or invalid the remaining provisions of the Act, or the application of such provisions to other persons or circumstances, shall not be affected thereby; and the Legislature hereby declares that it would have enacted, and does hereby enact, such remaining provisions despite any such invalidity.

Sec. 5. The fact that the present water laws of Texas vests in the Board of Water Engineers authority to grant permits for the appropriation of the public waters of the State and to promulgate rules and regulations for the administration of the said water laws without power to enforce the terms and conditions contained in declarations of appropriations and permits and the rules and regulations promulgated by it, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 14, 1953: Yeas 125, Nays 7; passed the Senate, May 22, 1953, by a viva-voce vote.

Approved June 8, 1953.

Effective 90 days after May 27, 1953, date of adjournment.

86. Vernon's Ann.Civ.St. art. 7488.